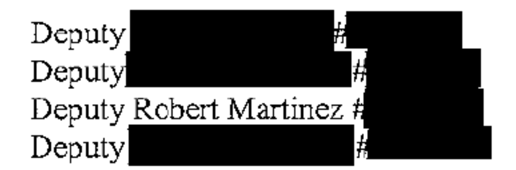
Table of Contents

IAB # FO 2238910

SUPERVISORS REPORT ON USE OF FORCE AND INVESTIGATIVE SUMMARY

WITNESS INTERVIEWS


Deputy [redacted] #[redacted]
Deputy [redacted] #[redacted]
Deputy Robert Martinez #[redacted]
Deputy [redacted] #[redacted]

SUSPECT INTERVIEW
Suspect Jaime Zurita

EXHIBITS

A - LASD Incident Report and related Supplemental Reports under file # 509-04388-2136-058.

B - CD containing the voice recording of the assistance request related to this incident.

MISCELLANEOUS DOCUMENTS

* Witness Admonition Forms

* Century Station In-Service

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: September 2, 2009

OFFICE CORRESPONDENCE

FILE NO. FO2238910

FROM: STEPHEN B. JOHNSON, COMMANDER
CUSTODY OPERATIONS DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY [redacted] #[redacted]
DEPUTY [redacted] #[redacted]
DEPUTY ROBERT MARTINEZ #[redacted]
DEPUTY OMAR CARBAJAL, #[redacted]
CENTURY STATION

On February 28, 2009, deputies went to the location twice regarding complaints of cockfighting and the use of cocaine. The first call to the location was uneventful; however, Suspect Jaime Zurita was present and the deputies noted that he had been drinking an alcoholic beverage. The second call resulted in a use of significant force.

At 1148 hours, Deputies [redacted] and [redacted], Unit [redacted], responded to a call that cocaine was being snorted in the front of the location. When the deputies arrived, they saw several people in front of the location as well as on both sides of the street. When deputies went to detain Suspect Zurita, he was belligerent and uncooperative. Deputy [redacted] had the suspect move to the rear of the radio car to handcuff him. At that time the suspect turned toward Deputy [redacted], raising his fists, and tried to punch Deputy [redacted]. Deputy [redacted] avoided the blow and pushed the suspect to face away from him.

Deputy [redacted] tried to grab his right arm and Deputy [redacted] tried to grab his left arm, but the suspect swayed his body back and forth, eluding their grasps. During this time the suspect was kicking the deputies and resisting their control holds. Due to the suspect's body motions, he and Deputy [redacted] fell to the ground with the suspect on the bottom and Deputy [redacted] on top of him.

The suspect tried to force Deputy [redacted] off by thrusting his hips and kicking his legs. Deputy [redacted] used his body weight to pin the suspect's shoulders to the ground. At this time, the suspect grabbed hold of Deputy [redacted] portable

microphone and ripped it from the clip, holding it to Deputy [redacted] shirt and began swinging it toward Deputy [redacted]. Deputy [redacted] punched the suspect in the face four to seven times while Deputy [redacted] tried to control the lower part of his body. Deputies [redacted] and [redacted] were then able to roll the suspect onto his stomach. The suspect then tried to push himself up. Deputy [redacted] then deployed a two- to three-second burst of Oleoresin Capsicum spray to the face of the suspect. Deputy [redacted] broadcast an assistance request, drew her weapon, and held the other detainees at gunpoint.

Assisting Unit 213B, Deputies Robert Martinez and Omar Carbajal arrived. Deputy Carbajal detained the other suspects which allowed Deputy [redacted] to focus her attention toward the suspect. Deputy Martinez tried to control the suspect's upper body to no avail and kneed the suspect in the face three times. The final strike with the knee caused the suspect to comply with the deputies' orders to stop resisting, and he was forcibly handcuffed. The suspect was uncooperative and resistive with Fire Department personnel who were trying to treat him in the field. The suspect was kicking at Fire Department personnel, which required a spit mask and a hobble restraint device to be used prior to handcuffing him to a backboard.

He was transported to St. Francis Medical Center where he was admitted due to blunt force trauma to the head area as the result of a bloody nose, swollen left eye, and complaints of pain to the face and neck.

Deputy [redacted] was treated at St. Francis Medical Center for a fractured metacarpal and placed in a soft cast.

On August 27, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Robert Martinez #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Omar Carbajal, #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Stephen B. Johnson, Commander

SBJ:YLW/ylw

Los Angel(County Sheriff's(epartment

Supervisor's Report on Use of Force

Incident Information

URN: 4 0 9 - 0 4 3 8 8 - 2 1 3 6 - 0 5 8 | Date: 2/28/09 | Time: 1148 hours

Location: [redacted] 122nd Street | City or Station: Los Angeles

Bureau/Station/Facility: Century Station | Admin. Investigation: YES [ ] NO [X]

Type of Force: Personal Weapons, OC spray, Hobble Restraint

Deputy Injury : YES [X] NO [ ] | Suspect Injury YES [X] NO [ ]

[X] Call | [ ] Observation | [ ] Detail | [ ] Foot Pursuit | [ ] Vehicle Pursuit

IAB Notified: YES [X] NO [ ] | Person Notified: Lt. Alicia Ault | Emp: [redacted] | IAB Roll Out: YES [X] NO [ ]

Involved Employee

E1

Employee # [redacted] | Last Name [redacted] | First Name [redacted] | Middle Name [redacted]

Sex: [redacted] Male [redacted] Female | Race: [redacted] | Unit of Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

Shift: [redacted] EM [redacted] Day [redacted] PM | [redacted] Regular Shift [redacted] OT Shift [redacted] Off Duty | Age: [redacted] | Height: [redacted] | Weight: [redacted]

[X] Injured [ ] Treated [ ] Admitted | Hospital: [redacted] | Coroner Case # | Directed Force [ ] Significant Force [X]

E2

Employee # [redacted] | Last Name [redacted] | First Name [redacted] | Middle Name [redacted]

Sex: [ ] Male [X] Female | Race: Hispanic | Unit of Assignment: Century Station | Work Assignment (Unit #, Module, etc.): [redacted]

Shift: [ ] EM [X] Day [ ] PM | [X] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: 504 | Weight: 115

[ ] Injured [ ] Treated [ ] Admitted | Hospital: | Coroner Case # | Directed Force [ ] Significant Force [ ]

E3

Employee # [redacted] | Last Name Martinez | First Name Robert | Middle Name

Sex: [X] Male [ ] Female | Race: Hispanic | Unit of Assignment: Century Station | Work Assignment (Unit #, Module, etc.): 213B

Shift: [ ] EM [X] Day [ ] PM | [X] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: 506 | Weight: 160

[ ] Injured [ ] Treated [ ] Admitted | Hospital: | Coroner Case # | Directed Force [ ] Significant Force [X]

[ ] **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Naranjo	Ruben		SGT	YES [ ] NO [X]	YES [ ] NO [X]
					YES [ ] NO [ ]	YES [ ] NO [ ]

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Bevans	William	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Duffy	Vance	

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

IAB SERGEANT TRENT DENISON | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
409-04388-2136-058

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[X] Male [ ] Female	Black	Century Station	216B

Shift:		Age:	Height:	Weight:
[ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	506	210

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [X] Significant Force [ ]

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [ ]

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [ ]

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [ ]

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [ ]

Su rvisor's Report on Use of F e
SUSPECT INFORMATION
409 - 04388 - 2136 - 058

Suspect Information

S 1

Last Name: Zurita | First Name: Jaime | Middle Name: Gonzalez

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: Hispanic | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 44 | Height: 506 | D.O.B. 12-06-64 | Weight: 160 | Armed? ☐

Booking #: 1819870 | Primary Charge Code: 243(c) P.C. | Secondary Charge Code: 69 P.C. | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: LA County Fire | Unit: | Phone #:

Hospital Admission? ☒ | Rec'd Treatment At: St. Francis Medical Center | Coroner Case #: | Mental History ☐

By Doctor: Maxine Anderson | Address: 3630 E. Imperial Hwy, Lynwood | Phone #: Unknown

Under Influence: ☒ YES ☐ NO | Substance: Alcoholic Beverage | Mental Illness ☐

Suspect Interview

Date: 02-28-09 | Time: 1800 hrs | Audiotape: ☒ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness: ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

☐ **Additional Suspects Involved**

Sup('isor's Report on Use of For

EMPLOYEE / NON-EMPLOYEE INFORMATION

4 0 9 - 0 4 3 8 8 - 2 1 3 6 - 0 5 8

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Duffy	Vance	E.

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Zurita	S	[redacted]	E#1	PH	NN	FA
[redacted]	E#1	Zurita	S	PH	FR	FA
Zurita	S	Martinez	E#3	PK	NN	CH
Martinez	E#3	Zurita	S	PO	FR	FA
Zurita	S	[redacted]	E#4	PK	NN	FA
[redacted]	E#2	Zurita	S	CT	NN	LE

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY
SIGNIFICANT USE OF FORCE
(FRACTURED ORBITAL, RIB AND NASAL)

UNIT:	Century Station
DATE:	Saturday, February 28, 2009
TIME:	1158 hours
LOCATION:	[redacted] 122nd Street, Los Angeles California
URN#:	409-04388-2136-058
IAB#:	FO #2238910

On February 28, 2009, the Internal Affairs Bureau Force and Shooting Response Team went to Century Station's area regarding a significant use of force involving a head injury caused during the arrest of a suspect. The team consisted of Sergeant Trent Denison, Sergeant Dana Chemnitzer and Lieutenant Alicia Ault. Mike Gennaco, Office of Independent Review, was notified of the incident but did not respond.

Investigators learned that Deputies [redacted], [redacted], Robert Martinez, Omar Carbajal and [redacted] were involved in the incident. All personnel were working uniformed patrol in the Century Station area.

This investigation is based on statements by the involved deputies, witnesses at the scene, and information obtained during the investigation, along with various written documentation **[Exhibit A]**.

SYNOPSIS:
On February 28, 2009 at 1158 hours, Century Station deputies responded to the location on a "return to" call involving cock fighting and narcotics use by people in the street. Deputies [redacted] and [redacted] arrived and detained six to eight people in the street at the hood of their radio car and found Suspect Zurita became extremely belligerent. Deputy [redacted] had Suspect Zurita walk to the rear of the radio car to prevent him from inciting the rest of the group because he appeared intoxicated and uncooperative with their commands to remain calm. Once at the rear of the radio car, Deputy [redacted] attempted to handcuff Suspect Zurita for officer safety reasons however, as Deputy [redacted] touched

Zurita's arms to hold them behind Zurita's back, Suspect Zurita quickly turned to face Deputy [redacted] and punched at him. Deputy [redacted] was able to avoid being struck and ordered Suspect Zurita to stop fighting. Deputies [redacted] and [redacted] took hold of Suspect Zurita's arms to gain control of him and stop his assault on them however, Suspect Zurita continued to thrash his shoulders from side to side and kicked at the deputies with his shod feet. Suspect Zurita's movements caused him and Deputy [redacted] to fall to the ground.

The fight continued as Suspect Zurita violently kicked at the deputies and thrust his hips upward to knock Deputy [redacted] off of him. Deputy [redacted] placed his body across Zurita in effort to use his body weight to hold Zurita down. Deputy [redacted] placed her knees on Zurita's legs in effort to hold him down and she also kept focused on the large group of people they had already detained at the front of the radio car, and who become more agitated because of the struggle with Suspect Zurita. Deputy [redacted] held the crowd at gun point and she used her radio to call for assistance. Deputy [redacted] was unable to hold onto Suspect Zurita's arms to handcuff him and Zurita pushed his body up to knock [redacted] off of him. Deputy [redacted] punched Suspect Zurita four to seven times about the face and head to stop Zurita's assault. The punches had no effect so he sprayed Suspect Zurita in the face with a two second burst of OC spray however, Suspect Zurita continued to kick at them and struggle to get up from the ground.

Assisting deputies Robert Martinez and Omar Carbajal arrived within seconds of the fight starting and saw Deputy [redacted] struggling with Suspect Zurita on the ground. Deputy Carbajal went to the front of the radio car and assisted Deputy [redacted] control the detained individuals while Deputy Martinez assisted Deputy [redacted]. Deputy Martinez was unable to stop Suspect Zurita from fighting nor was he able to take hold of Zurita's hands to handcuff him so he struck Suspect Zurita on the face three times with his right knee. The blows had enough effect to stop Zurita momentarily while they gained control of his arms and handcuff him. Additional units arrived, including the Watch Commander, Lieutenant Duffy, and Fire personnel responded to treat Suspect Zurita. While Paramedics were attempting to treat Suspect Zurita, he became combative with them and kicked at the Paramedics. Lieutenant Duffy directed Deputy [redacted] to place the Hobble Restraint on Suspect Zurita's legs to prevent him from kicking anyone. Once the Hobble was applied, Suspect Zurita stopped fighting and calmed down. The Hobble was then removed and Suspect Zurita was strapped to the gurney by Paramedics and taken to the hospital.

A voice recording of the assistance request is attached in this investigation on a CD **[Exhibit B]**.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY:

[redacted] #[redacted]

Date of Employment	[redacted]
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

[redacted] #[redacted]

Date of Employment	02/03
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

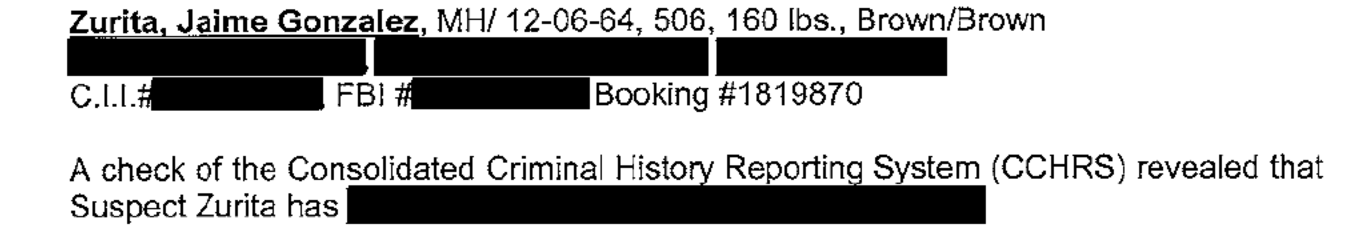
Robert Martinez #[redacted]

Date of Employment	11/00
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

[redacted] #[redacted]

Date of Employment	10/98
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT:



Zurita, Jaime Gonzalez, MH/ 12-06-64, 506, 160 lbs., Brown/Brown
[redacted]
C.I.I.#[redacted] FBI #[redacted] Booking #1819870

A check of the Consolidated Criminal History Reporting System (CCHRS) revealed that Suspect Zurita has [redacted]

SWORN WITNESS:

Deputy **Omar Carbajal #**[redacted]
Field Operations Region I
Century Station

CIVILIAN WITNESSES:
None
Century Field Sergeant Naranjo attempted to find civilian witnesses to this incident, however, no witnesses were found. The individuals who had been detained at the hood of the radio car said they could only hear the struggle at the rear of the car but could not see over the radio car because the fight was

on the ground behind it. They were held at gunpoint by deputies and not allowed to walk around the radio car.

INJURIES
Deputy [redacted] received a Metacarpal fracture to his right hand during the fight and was placed in a soft cast pending further treatment. He was treated by Dr. Charles Worley at St. Francis Medical Center.

Suspect Zurita was taken to St. Francis Medical Center and treated in the Emergency Room by Dr. Maxine Anderson for a Nasal fracture, left Orbital Wall fracture and a left Rib fracture. He was admitted to Room #8210 for further treatment.

PHYSICAL EVIDENCE
None

INVESTIGATOR'S OBSERVATIONS
IAB investigators responded to St. Francis Medical Center and noticed Suspect Zurita's face was swollen and both of his eyes were swollen and bloodshot. His teeth were bloody and he complained of pain to his left rib cage area. He had a very strong odor of an alcoholic beverage emanating from his breath and person. His speech was slurred as he rambled incoherently at times.

IAB investigators noticed Deputy [redacted] right hand was bandaged and his arm was in a soft cast and sling.

Investigators did not respond to the crime scene because Century Station personnel did not preserve it and had already left. The crime scene was photographed by the field sergeant prior to them leaving.

WEAPONS USED BY DEPUTY PERSONNEL
Personal weapons (fists, knee strikes) and OC spray

WEAPONS USED BY SUSPECT
Personal weapons (fists, kicking)

PROPERTY DAMAGE
None

CRIMINAL INVESTIGATOR and CHARGES FILED
Investigator: Century Station Detective Bureau
Suspect Zurita was charged with Felony Battery on a Peace Officer and Felony Resisting Executive Officer by Means of Threat or Force. At the time of this investigation, Suspect Zurita's case had not been adjudicated.

LIGHTING AND WEATHER CONDITIONS
The weather was mild and clear at the time of the incident (approximately 1158 hours). This incident took place on a residential street during daylight hours.

SCENE DESCRIPTION
The location is a public, residential street. Both sides of the street are bordered by sidewalks and single family residences. There were vehicles parked against the curb on both sides of the street.

INVOLVED PERSONNEL STATEMENTS
The following is a summary of what each involved person said during their IAB interviews. For more information, see the attached verbatim interview transcription.

Deputy [redacted] said during his IAB interview on May 13, 2009, that he and his partner, Deputy [redacted], went to the location regarding a call for service that involved the crime of cock fighting. He said they contacted Suspect Zurita, who was angry at their presence but allowed them to look for evidence of cock fighting. He said they found over 100 roosters but did not find evidence of a crime and left. He said a short time later the same day, he received another call for service at the location involving a person smoking Cocaine in a truck on the street. He and Deputy [redacted] returned and contacted six to eight males and a female in the street around a parked truck and detained them at the hood of their radio car pending further investigation. He said Suspect Zurita came out to the street and appeared intoxicated and was belligerent.

Deputy [redacted] said that upon contact, Suspect Zurita became even more belligerent and appeared to entice the other detained people to not cooperate. He wanted to separate Suspect Zurita from the rest of the group in order to eliminate him from causing a problem, so he walked Suspect Zurita to the rear of the radio car to search him. He said once they

were at the rear of the radio car, Zurita suddenly turned and punched at him but missed. He said he tried to gain control of Zurita by grabbing hold of his arms and using his body weight to hold Suspect Zurita against the trunk of the radio car. He added that they both lost their balance and fell to the ground behind the radio car. He said he landed atop Suspect Zurita who had landed on his back, and they fought on the ground. He said Zurita kept lunging his hips up in order to throw him off balance and Zurita punched upward at him. Suspect Zurita also tore Deputy [redacted] radio microphone from his shirt, breaking the clip then swung the radio by the cord at Deputy [redacted]. Deputy [redacted] said Suspect Zurita also kicked his feet wildly but was unsure if he was struck by the his kicking. He said he tried to grab Suspect Zurita's arms but because of the violent struggle, he was unable to gain control. He said he punched Suspect Zurita's face four to seven times during the fight but his punches had no effect. He said he sprayed Suspect Zurita in the face with a two second burst of his OC spray however, Zurita continued to fight.

Deputy [redacted] said that Deputy [redacted] assisted by placing her body weight on the legs of Suspect Zurita to keep him from kicking. He said she was behind him ([redacted] so he did not see if she used any other force. He heard her giving orders to the already detained individuals to stay at the hood of the radio car and she called for help on the radio.

Deputy [redacted] said that assisting Deputies Martinez and Carbajal arrived within a minute of the fight starting and Deputy Martinez came to his aid. He said he was unable to handcuff Suspect Zurita because of Zurita's continued kicking and thrashing about. He said he saw Deputy Martinez hold one arm for handcuffing and they were able to place the handcuffs on both wrists. Deputy [redacted] added that he did not see Deputy Martinez use force because he was to the right of him however, he was told later that Deputy Martinez had performed three knee strikes to the suspect's head.

Deputy [redacted] said that he had no more contact with Suspect Zurita after he was handcuffed. He added that during the fight, his hand was broken, which required medical treatment and prevented him from being able to write a supplemental report to this incident.

Deputy [redacted] said during her IAB interview on May 11, 2009, that she went to the location with her partner, Deputy [redacted], in response to a call for service regarding cock fighting. They found no evidence of a crime and left but soon after, received a return to call at the location which involved a person smoking Cocaine in a parked truck. She said when they arrived, they detained numerous males, who were in the street, at the front of their radio car. She said Suspect Zurita came out to them from his home and was belligerent and he encouraged the already detained individuals to not cooperate. She said Deputy [redacted] separated Suspect Zurita from the others and walked him to the rear of the radio car. She said that Suspect Zurita initially faced the trunk of the radio car but then turned on Deputy [redacted] and punched at him. She said the two fell to the ground with Suspect Zurita landing on his back and Deputy [redacted] landing on top of Zurita. She said Suspect Zurita violently kicked his legs and tore Deputy [redacted] radio off his shirt and

swung it by the cord at him. She assisted Deputy [redacted] by placing her body weight on top of Zurita's legs to prevent him from kicking them and in an attempt to control him. She added that she feared the other individuals they had detained and had not searched yet, would advance on them so she held them at gunpoint from around the trunk of the radio car and she called for assistance on her radio.

Deputy [redacted] said she saw Deputy [redacted] punch Suspect Zurita at least once on the upper body and believed he may have punched the suspect several more times but she did not see if they landed. She said that she could smell the odor of OC spray but she did not see Deputy [redacted] spray the suspect. She said she could not see better because her attention was on the crowd of people and her back was to Deputy [redacted] as she placed her body weight on Suspect Zurita's legs. She added that a very short time later, assisting Deputies Martinez and Carbajal, who had been assigned the original call as the

backup unit, arrived and Deputy Carbajal assisted her by detaining the group at the front of the radio car.

Deputy [redacted] said she saw Deputy Martinez near Suspect Zurita's head and upper torso and she saw he kneed Suspect Zurita. She said that Deputy Martinez was on his knees and used his knee in a punching type motion to strike the suspect a unknown number of times.

IAB investigators reviewed Deputy [redacted] report and found it to be consistent with her statements during her interview. For more information, see Deputy [redacted] report **[Exhibit A]** and attached IAB interview transcription.

Deputy **Robert Martinez** said during his IAB interview on May 13, 2009, that he and his partner, Deputy Carbajal, were originally assigned the call for service at the location along with Deputies [redacted] and [redacted]. He said while they were en route, he heard Deputy [redacted] call for assistance on the radio. He said they arrived within a minute of the call for help and he noticed Deputy [redacted] fighting with Suspect Zurita on the ground at the rear of the radio car. He said he immediately ran up to them to help control Zurita because he saw Zurita kicking wildly and Deputy [redacted] was unable to handcuff him. He said that he tried to grab hold of Suspect Zurita but because of the struggle, he was unable to do so. He said that in order to stop Suspect Zurita from fighting, he utilized his knee to strike Zurita on the face two times by moving his knee back then forward into Suspect Zurita's face while in a kneeling position. The blows had no effect so he struck Suspect Zurita on the face once more with his knee. This enabled him to gain enough control of Suspect Zurita and he placed handcuffs on him with the assistance of Deputy [redacted]

Deputy Martinez said that Deputy [redacted] was using her body weight to hold down Suspect Zurita's legs but he did not see any other force used by either Deputy [redacted] or Deputy [redacted]

IAB investigators reviewed Deputy Martinez' Supplemental Report and found his statements during his interview were consistent with what he wrote in his report. For more information, see Deputy Martinez' report **[Exhibit A]** and attached verbatim interview transcription.

Deputy [redacted] said during his IAB interview on May 6, 2009, that he responded to the location because of Deputy [redacted] assistance request. He said that when he got there, the fight was over however, he saw Suspect Zurita being treated by paramedics and Zurita started kicking and spitting at them. He said that Century Station Watch Commander, Lieutenant Duffy, was present and ordered him to place the Hobble Restraint on Suspect Zurita to prevent the suspect from kicking anyone. Deputy [redacted] said he placed the Hobble Restraint on Suspect Zurita's legs and the suspect stopped kicking. He added that Suspect Zurita was strapped to a Gurney and he removed the Hobble from the suspect's legs. He said that he did not use or witness any other force.

IAB investigators reviewed Deputy [redacted] Supplemental Report and found it to be consistent with his statements made during his interview. For more information, see Deputy [redacted] Supplemental Report **[Exhibit A]** and his attached verbatim IAB interview transcription.

Lieutenant Duffy authored a report which described his directing Deputy [redacted] to place the Hobble Restraint on Suspect Zurita. His Supplemental Report is included in **[Exhibit A]**.

SUSPECT ZURITA'S STATEMENT

Suspect **Jaime Zurita** was interviewed by IAB investigators at St. Francis Medical Center in the Emergency Room on February 28, 2009. Suspect appeared to be extremely intoxicated as his eyes were bloodshot and watery, his speech was rambling and slurred to the point of being incomprehensible. His movements were slow and he had a very strong odor of an alcoholic beverage emanating from his breath and person. Therefore no coherent statement was given during the interview.